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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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21567	7590	07/11/2005	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			SHIMIZU, MATSUICHIRO	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CM

Office Action Summary	Application No.	Applicant(s)	
	09/524,804	TUTTLE, MARK E.	
	Examiner	Art Unit	
	Matsuichiro Shimizu	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-52,54-69 and 71-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-52,54-69 and 71-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The examiner withdraws the finality of Final Office Action filed on 2/17/04 in view of new rejection provided to claims 65, 84, 86, 88, 90, 92, 94, 96 and 98.

However, should applicant wish to file current Appeals Brief again, the examiner requests the applicant to provide the following correction:

(a) Appendix A needs to be labeled under heading for section VIII of 37 CFR 41.37.

(b) Also Appeals Brief needs a heading for sections IX & X of 37 CFR 41.37 along with a statement of whether or not evidence or decisions exist.

Response to Arguments

Applicant's arguments with respect to claims 50,54,62,65,66,79, 82 and 84 have been considered but are moot in view of the new grounds of rejection provided by prior art of Brady wherein subject matter of battery is taught. Therefore, final rejection filed on 2/17/04 is withdrawn and new ground of rejection has been applied. Examiner maintains office's positions on the rest of the claims.

Therefore, claims 50-52,54-69 and 71-106 are rejected as follows:

Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 59, 61, 76 and 78 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton (4,782,342).

Regarding claims 59, 61, 76 and 78, Walton discloses a radio frequency identification device circuit (col. 6, lines 1-53, radio frequency identifier circuit 212) comprising: communication circuitry (col. 6, lines 1-53, radio frequency identifier circuit 212) with indicia thereon (Fig. 6, PRINTED LABEL surface including barcode (612)); and an encapsulant configured to encapsulate and contact at least a portion of the communication circuitry, wherein the encapsulant defines at least one side surface and the at least one side surface has visibly perceptible information thereon (Fig. 6, col. 6, lines 44-53, the assembly is encapsulated in a plastic rectangular bar (610); Fig. 6, PRINTED LABEL surface including barcode (612)).

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the

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applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 60 and 77 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Walton in view of Lebby et al. (5,493,437).

Regarding claims 60 and 77, Walton continues, as disclosed in claims 59 and 76, to disclose a housing comprising thin side surface (Fig. 6, rectangular plastic housing (610)). But Walton does not disclose the housing comprises the at least one side surface has a dimension less than about 100 mills.

However, Lebby discloses, in the art of portable wireless communication device, the housing comprises the at least one side surface has a dimension less than about 100 mills (Fig. 1, casing thickness of 1 MM) to provide smaller and ruggedized structure. Therefore, it would have been obvious to a person at the time of invention to include the housing comprises one surface has a dimension less than about 100 mills in the device of Walton as evidenced by Lebby because Walton suggests a housing containing a thin side surface and Lebby teaches the housing comprises one surface has a dimension less than about 100 mills to provide smaller and ruggedized structure.

Claims 99–100 are rejected under 35 .S.C. 103(a) as being unpatentable over Walton in view of MacLellan (5,649,296).

Regarding claims 99–100, Walton discloses a wireless communication device (Figs. 4 and 6, col. 6, lines 8–23 and 44–53, identifier circuit (212) associated with radio frequency identification device) comprising: a housing (Fig. 6, plastic rectangular bar (610)) including an upper surface, a lower surface, and at least one side intermediate the upper surface and the lower surface and having a dimension less than smallest dimensions of the upper

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surface and the lower surface, and the at least one side surface having visibly perceptible indicia (Fig. 6, a side surface with written identification along with a bar code (612)) thereon; and communication circuitry (Fig. 6, identifier circuit (212)) within the housing and the communication circuitry being configured to communicate wireless signals. But Walton does not disclose the communication circuitry is configured to implement backscatter communications.

However, MacLellan discloses, in the art of radio frequency communication system, the communication circuitry is configured to implement backscatter communications (col. 1, line 61 to col. 4, line 51, backscatter modulation applies to RFID) to better comply the FCC regulatory requirement. Therefore, it would have been obvious to a person at the time of invention to include the communication circuitry is configured to implement backscatter communications in the device of Walton as evidenced by MacLellan because Walton suggests the communication circuitry is radio frequency identification and MacLellan teaches the communication circuitry is configured to implement backscatter communications to better comply the FCC regulatory requirement.

Claims 82, 50-51, 54-56, 58, 66-68, 71-73, 75 and 101 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Walton (4,782,342) in view of Drabeck et al. (5,598,169).

Regarding claim 82, Walton discloses a method of forming a radio frequency identification device comprising: providing radio frequency identification circuitry device configured to communicate wireless signals (col. 6, lines 1-53, radio frequency identifier circuit); coupling a power source (col. 6, lines 1-53, radio frequency identifier circuit energized by varying magnetic field) with the radio frequency identification device circuitry (col. 6, lines 1-53, radio

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frequency identifier circuit); coupling an antenna with the rfid device (col. 4, lines 50–65, identifier antenna (214); col. 6, lines 1–53, radio frequency identifier circuit energized by varying magnetic field) providing a housing (Fig. 6, housing (610)); and providing visibly perceptible indicia on the at least one side surface (Fig. 6, printed label along face including barcode (612)). But Walton does not teach wireless signals comprising microwave signals.

However, Drabek teaches, in the art of wireless communication system, wireless signals comprising microwave signals (Title: Detector and Modulator Circuits for Passive Microwave Links; col. 5, lines 27–41, 2.45 GHz) for the purpose of providing efficient communication. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include wireless signals comprising microwave signals in the device of Walton because Walton suggest wireless signals and Drabek teaches wireless signals comprising microwave signals for the purpose of providing efficient communication.

All subject matters in claims 50–51, 66–68 are disclosed in claim 82, and therefore, rejections of the subject matters expressed in claims 50, 53, 66 – 68 are met by references and associated arguments applied to rejections of claim 82.

Regarding claim 54, Walton teaches a wireless communication device (col. 6, lines 1–53, radio frequency identifier circuit 212 coupled with radio frequency flux) comprising: a substrate having a support surface defined by a perimetral edge (Fig. 6, col. 6, lines 1–53, printed label or indicia on the side); communication circuitry (Fig. 6, col. 6, lines 1–53, radio frequency identifier circuit 212 on the housing) elevationally over the support surface (Fig. 6, col. 6, lines 1–53, radio frequency identifier circuit 212 (col. 6, line 10) placed on the

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side suggests the circuit elevated over the portion of the flat surface) of the substrate and configured to communicate wireless signals; and an encapsulant (Fig. 6, col. 6, lines 44–53, the assembly is encapsulated in a plastic rectangular bar 610) elevationally over the support surface and configured to encapsulate (Fig. 6, col. 6, lines 44–53, the assembly is encapsulated in a plastic rectangular bar 610) at least portions of the support surface of the substrate (Fig. 6, col. 6, lines 1–53, inactive support material or plastic rectangular bar 610) and the communication circuitry, and wherein the encapsulant and the substrate respectively define an upper surface and a lower surface and have a thickness less than a smallest dimension of the perimetral edge, and the encapsulant (Fig. 6, col. 6, lines 1–53, housing including indicia on side) includes visibly perceptible indicia intermediate the upper surface and the lower surface. But Walton does not teach wireless signals comprising microwave signals.

However, Drabeck teaches, in the art of wireless communication system, wireless signals comprising microwave signals (Title: Detector and Modulator Circuits for Passive Microwave Links; col. 5, lines 27–41, 2.45 GHz) for the purpose of providing efficient communication. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include wireless signals comprising microwave signals in the device of Walton because Walton suggest wireless signals and Drabeck teaches wireless signals comprising microwave signals for the purpose of providing efficient communication.

Regarding claim 55-56 and 58, Walton teaches the device according to claim 54, and furthermore a rectangle shape, the encapsulant contacts at least portions of the support surface and the communication circuitry; and rfid (Fig. 6, note; rectangle shape, upper portion of lower surface with circuitry, and rfid 212).

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All subject matters in claims 71-73 and 75 are disclosed in claims 54-56 and 58, and therefore, rejections of the subject matters expressed in claims 71-73 and 75 are met by references and associated arguments applied to rejections of claims 54-56 and 58.

Regarding claim 101, Drabeck teaches the device according to claim 50 further comprising a transmit antenna configured to transmit microwave signals (Fig. 1, col. 2, line 61-63, col. 3, lines 53- 65, modulator diode 121 couples to antenna 102 to transmit) and a receive antenna configured to receive microwave signals (Fig. 1, col. 2, line 58-61, col. 3, lines 16-29, receiver circuit couple to antenna 102 and detector diode 111).

Claims 102-106 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Walton in view of Drabeck as applied to claims 51 and 54 above, and further in view of Sawada (5,424,250).

Regarding claim 102, Walton teaches the device according to claim 51 further comprising ; a substrate and the encapsulant (Fig. 6, encapsulant associated with plastic bar 610 and substrate associated with assembly). But Walton in view of Drabeck does not teach a substrate comprising different material than the encapsulant.

However, Sawada teaches, in the art of semiconductor device, a substrate comprising different material than the encapsulant (col. 6, lines 4-14 and col. 9, line 36 to col. 10, line 2, substrate associated with chip 10 encasulated by resin sheet 18a and 18b) for the purpose of providing ruggedized device. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a substrate comprising different material than the encapsulant in the device of Walton in view of Drabeck because Walton in view of Drabeck suggest wireless signals and Sawada teaches a substrate comprising different material than the encapsulant for the purpose of providing ruggedized device.

Regarding claims 103-14, Walton teaches the device according to claim 54 further comprising ; a substrate and the encapsulant (Fig. 6, encapsulant associated with plastic bar 610 and substrate associated with assembly). But Walton in view of Drabeck

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does not teach a substrate comprising different material than the encapsulant and a solid mass substantially free of any void space.

However, Sawada teaches, in the art of semiconductor device, a substrate comprising different material than the encapsulant (col. 6, lines 4-14 and col. 9, line 36 to col. 10, line 2, substrate associated with chip 10 encapsulated by resin sheet 18a and 18b) and a solid mass substantially free of any void space (col. 2, lines 34-42, pressing encapsulating member to encapsulate the chip associated with substrate) for the purpose of providing ruggedized device. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a substrate comprising different material than the encapsulant and a solid mass substantially free of any void space in the device of Walton in view of Drabeck because Walton in view of Drabeck suggest wireless signals and Sawada teaches a substrate comprising different material than the encapsulant and a solid mass substantially free of any void space for the purpose of providing ruggedized device.

Regarding claim 105, Walton teaches the device according to claim 54 further comprising ; a substrate and the encapsulant (Fig. 6, encapsulant associated with plastic bar 610 and substrate associated with assembly). But Walton in view of Drabeck does not teach a substrate and the encapsulant encapsulate an entirety of the communication circuitry and the antenna.

However, Sawada teaches, in the art of semiconductor device, a substrate and the encapsulant encapsulates chip (col. 6, lines 4-14 and col. 9, line 36 to col. 10, line 2, substrate associated with chip 10 encapsulated by resin sheet 18a and 18b) for the purpose of providing ruggedized device. Furthermore, one of ordinary skill in the art recognizes a substrate and the encapsulant encapsulates chip and a substrate and the encapsulant encapsulate an entirety of the communication circuitry and the antenna provide ruggedized device. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a substrate and the encapsulant encapsulate an entirety of the communication circuitry and the antenna in the device of Walton in view of Drabeck because one of ordinary skill in the art recognizes a substrate

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and the encapsulant encapsulate an entirety of the communication circuitry and the antenna for the purpose of providing ruggedized device.

Regarding claims 106, Walton teaches the device according to claim 66 further comprising; a substrate and the encapsulant (Fig. 6, encapsulant associated with plastic bar 610 and substrate associated with assembly). But Walton in view of Drabeck does not teach flowing a flowable encapsulant over the substrate; and curing the flowable encapsulant into a solid mass substantially free of any void space.

However, Sawada teaches, in the art of semiconductor device, flowing a flowable encapsulant over the substrate; and curing the flowable encapsulant into a solid mass substantially free of any void space (col. 1, lines 19-34, flowable encapsulate or melted resin over substrate or solid mass, col. 9, line 36 to col. 10, line 2, substrate associated with chip 10) for the purpose of providing ruggedized device. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include flowing a flowable encapsulant over the substrate; and curing the flowable encapsulant into a solid mass substantially free of any void space in the device of Walton in view of Drabeck because Walton suggests a substrate and the encapsulant and Sawada teaches flowing a flowable encapsulant over the substrate; and curing the flowable encapsulant into a solid mass substantially free of any void space for the purpose of providing ruggedized device.

Claims 86 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Walton in view of Drabeck as applied to claims 54 above, and further in view of Brady et al. (6,100,804).

All subject matters except the power source comprises a battery; and antenna in claims 86 are disclosed in claim 54. However, Walton teaches antenna and power source (col. 4, lines 50-65, identifier antenna (214); col. 6, lines 1-53, radio frequency identifier circuit energized by varying magnetic field), and furthermore Brady discloses, in the art of rfid system, portable communication device with a battery coupled with the communication circuitry (Fig. 5, col. 6, lines 50-61, battery source 510) for the purpose of providing additional power supply. Therefore, it would have

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been obvious to a person at the time of invention to include a battery coupled with the communication circuitry in the device of Walton in view of Drabeck as evidenced by Brady because Walton in view of Drabeck suggests a passive power supply and Brady teaches a battery coupled with the communication circuitry for the purpose of providing additional power supply.

Claims 65 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Walton in view of Drabeck as applied to claims 82 above, and further in view of Brady.

All subject matters except the power source comprises a battery; and antenna in claims 65 are disclosed in claim 82. However, Walton teaches antenna and power source (col. 4, lines 50-65, identifier antenna (214); col. 6, lines 1-53, radio frequency identifier circuit energized by varying magnetic field), and furthermore Brady discloses, in the art of rfid system, portable communication device with a battery coupled with the communication circuitry (Fig. 5, col. 6, lines 50-61, battery source 510) for the purpose of providing additional power supply. Therefore, it would have been obvious to a person at the time of invention to include a battery coupled with the communication circuitry in the device of Walton in view of Drabeck as evidenced by Brady because Walton in view of Drabeck suggests a passive power supply and Brady teaches a battery coupled with the communication circuitry for the purpose of providing additional power supply.

Claims 84, 92, 88, 94 and 96 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Walton in view of Drabeck as applied to claims 50, 59, 66, 71 and 76 above, and further in view of Brady et al. (6,100,804).

Regarding claim 84, 92, 88, 94 and 96, Walton continues, as disclosed in claims 50, 59, 76, 66 and 71 and 76, to disclose passive energy supply to the communication circuitry. But Walton in view of Drabeck does not disclose a battery coupled with the communication circuitry .

However, Brady discloses, in the art of rfid system, portable communication device with a battery coupled with the communication circuitry (Fig. 5, col. 6, lines 50–61, battery source 510) for the purpose of providing additional power supply. Therefore, it would have been obvious to a person at the time of invention to include a battery coupled with the communication circuitry in the device of Walton in view of Drabeck as evidenced by Brady because Walton in view of Drabeck suggests a passive power supply and Brady teaches a battery coupled with the communication circuitry for the purpose of providing additional power supply.

Claims 52, 57, 62-64, 69, 74, 79 and 80-81 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Walton in view of Drabeck as applied to claims 50, 54, 66 and 71 above, and further in view of Lebby et al. (5,493,437).

Regarding claims 52, 57, 69 and 74, Walton continues, as disclosed in claims 50, 54, 66 and 71, to disclose a housing comprising thin side surface (Fig. 6, rectangular plastic housing (610)). But Walton does not disclose the housing comprises the at least one side surface has a dimension less than about 100 mills.

However, Lebby discloses, in the art of portable wireless communication device, the housing comprises the at least one side surface has a dimension less than about 100 mills (Fig. 1, casing thickness of 1 MM) to provide smaller and ruggedized structure. Therefore, it would have been obvious to a person at the time of invention to include the housing comprises one surface has a dimension less than about 100 mills in the device of Walton in view of Drabeck as evidenced by Lebby because Walton in view of Drabeck suggests a housing containing a thin side surface and Lebby teaches the housing comprises one surface has a dimension less than about 100 mills to provide smaller and ruggedized structure.

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All subject matters except the housing comprises one surface have a dimension less than about 100 mills in claims 62 and 79 are disclosed in claims 50. However, Lebby discloses, in the art of portable wireless communication device, the housing comprises the at least one side surface has a dimension less than about 100 mills (Fig. 1, casing thickness of 1 MM) to provide smaller and ruggedized structure. Therefore, it would have been obvious to a person at the time of invention to include the housing comprises one surface has a dimension less than about 100 mills in the device of Walton in view of Drabeck as evidenced by Lebby because Walton in view of Drabeck suggests a housing containing a thin side surface and Lebby teaches the housing comprises one surface has a dimension less than about 100 mills to provide smaller and ruggedized structure. Therefore, rejections of the subject matters expressed in claims 62 and 79 are met by references and associated arguments applied to rejections of claim 50 and to rejection provided in the above the paragraph.

Regarding claim 63, Walton in continues, as disclosed in claim 62, to disclose the housing comprises an encapsulant which contacts at least portions of the support surface and the communication circuitry (Fig. 6, col. 6, lines 8-54, the assembly is encapsulated in a plastic rectangular bar (610); note antenna rod (216) and identifier circuit (212)).

Regarding claim 64, Walton in continues, as disclosed in claim 62, to disclose the device further comprising an antenna within the housing and coupled with the communication circuitry (Fig. 6, col. 6, lines 8-54, the assembly is encapsulated in a plastic rectangular bar (610); note encapsulated antenna rod (216) energizes the identifier circuit (212) and the identifier circuit is activated).

All subject matters in claims 80-81 are disclosed in claims 50 and 79, and therefore, rejections of the subject matters expressed in claims 80-81 are met by references and associated arguments applied to rejections of claims 50 and 79.

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Claims 89 and 97 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Walton in view of Drabeck and Lebby et al. (5,493,437) as applied to claims 62 and 79 above, and further in view of MacLellan et al. (5,649,296).

Regarding claims 89, 97, Walton continues, as disclosed in claims 79, 62 to disclose the communication circuitry is RFID receiver. But Walton in view of Lebby does not disclose the communication circuitry is configured to implement backscatter communications.

However, MacLellan discloses, in the art of wireless communication system, the communication circuitry is configured to implement backscatter communications (col. 1, line 61 to col. 4, line 51, backscatter modulation applies to RFID) to better comply the FCC regulatory requirement. Therefore, it would have been obvious to a person at the time of invention to include the communication circuitry is configured to implement backscatter communications in the device of Walton in view of Drabeck and Lebby as evidenced by MacLellan because Walton in view of Drabeck and Lebby suggests the communication circuitry is RFID receiver and MacLellan teaches the communication circuitry is configured to implement backscatter communications to better comply the FCC regulatory requirement.

Claims 90 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walton in view of Drabeck and Lebby as applied to claims 62 and 79 above, and further in view of Brady.

Regarding claims 90 and 98, Walton continues, as disclosed in claims 62 and 79 to disclose passive energy supply to the communication circuitry. But Walton in view of Drabeck and Lebby does not disclose a battery coupled with the communication circuitry.

However, Brady discloses, in the art of portable communication device a battery coupled with the communication circuitry (Fig. 5, col. 6, lines 50-61, power source for wireless environment) for the purpose of extending power

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supply. Therefore, it would have been obvious to a person at the time of invention to include a battery coupled with the communication circuitry in the device of Walton in view of Drabeck and Lebby as evidenced by Brady because Walton in view of Drabeck and Lebby suggests passive energy supply to the communication circuitry and Brady teaches a battery coupled with the communication circuitry for the purpose of extending power supply.

Claims 83, 85, 91, 93, 87 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walton in view of Drabeck as applied to claims 50, 54, 59, 66, 71 and 76 above, and further in view of MacLellan (5,649,296).

Regarding claims 83, 91, 93, Walton continues, as disclosed in claims 50, 59 and 66 to disclose the communication circuitry is RFID receiver. But Walton in view of Drabeck does not disclose the communication circuitry is configured to implement backscatter communications.

However, MacLellan discloses, in the art of wireless communication system, the communication circuitry is configured to implement backscatter communications (col. 1, line 61 to col. 4, line 51, backscatter modulation applies to RFID) to better comply the FCC regulatory requirement. Therefore, it would have been obvious to a person at the time of invention to include the communication circuitry is configured to implement backscatter communications in the device of Walton in view of Drabeck as evidenced by MacLellan because Walton in view of Drabeck suggests the communication circuitry is RFID receiver and MacLellan teaches the communication circuitry is configured to implement backscatter communications to better comply the FCC regulatory requirement.

Regarding claims 85, 87 and 95, Walton continues, as disclosed in claims 54, 71 and 76 to disclose the communication circuitry is pager receiver. But Walton in view of Drabeck does not disclose the communication circuitry is configured to implement backscatter communications.

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However, MacLellan discloses, in the art of credit card pager system, the communication circuitry is configured to implement backscatter communications (col. 1, line 61 to col. 4, line 51, backscatter modulation applies to RFID) to better comply the FCC regulatory requirement. Therefore, it would have been obvious to a person at the time of invention to include the communication circuitry is configured to implement backscatter communications in the device of Walton in view of Drabeck as evidenced by MacLellan because Walton in view of Drabeck suggests the communication circuitry is radio frequency identifier device and MacLellan teaches the communication circuitry is configured to implement backscatter communications to better comply the FCC regulatory requirement.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Micheal Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

July 8, 2005



MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

